

SECTION IV – OFFICER EMPLOYMENT PROCEDURE RULES

Set out below are procedural rules incorporating the Model Standing Orders arising from the Local Government and Housing Act 1989. The roles of the Appointments Committee, to which reference is made elsewhere in the Constitution, are clarified in terms of recruitment, appointment and discipline.

1. RECRUITMENT AND APPOINTMENT

(a) Declarations

- (i) A candidate for any appointment under the Council, who knows of a relationship to or with any Member or Chief Officer or Senior Officer of the Council will be required by the Council, when making application, to state in writing that relationship by notice to the Head of Paid Service and Head of Service making the appointment. A candidate who fails to declare such a relationship will be disqualified for the appointment and, if appointed, will be liable to dismissal without notice.
- (ii) Every Member, Chief Officer or Senior Officer of Council shall declare to the Head of Paid Service or relevant Head of Service any relationship to, or with, any person who to the knowledge of that Member, Chief Officer or Senior Officer, is a candidate for appointment under the Council.
- (iii) The Head of Human Resources or Head of Service making the appointment shall advise the other of any such declarations and any appointing Committee or Panel will be made aware of the declaration by the relevant Head of Service or Head of Paid Service, whichever is appropriate. If there is no appointing Committee, the Leaders of the Political Groups on the Council will be notified of the disclosure by the Head of Paid Service or relevant Head of Service.
- (iv) For the purpose of this rule, “Chief Officer of the Council” shall mean:
 - (a) The Head of Paid Service designated under Section 4(10) of the Local Government and Housing Act 1989;
 - (b) The Monitoring Officer designated under Section 5(1) of the Local Government and Housing Act 1989;
 - (c) The Chief Finance Officer having responsibility under Section 151 of the Local Government Act 1972, as amended;
 - (d) Any Strategic Director of a Department of the Council; and
 - (e) Any Head of Service within a Department of the Council.
- (v) For the purpose of this rule “Senior Officer of the Council” shall mean any employee of the Council whose post is graded at or above Senior Officers’ Grade 1 or its monetary equivalent.
- (vi) Under this rule, persons shall be deemed to be related to a Member, Chief Officer or Senior Officer if they are related as the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of Member, Chief Officer or Senior Officer of the Council; or of the partner of such persons.
- (vii) No candidate so related to a Member, Chief Officer or Senior Officer will be appointed without the authority of the Head of Paid Service or an Officer nominated by him.

(b) Seeking Support for Appointment

- (i) Subject to Paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

- (ii) Subject to Paragraph (iii), no Member will seek support, directly or indirectly for any person for any appointment with the Council.
- (iii) Nothing in (i) or (ii) will prevent a Member from giving a written reference of a candidate's ability, experience or character.

2. RECRUITMENT OF HEAD OF PAID SERVICE (i.e. CHIEF EXECUTIVE OFFICER)

- (a) Where the Full Council proposes to appoint the Head of Paid Service and it is not proposed that the appointment be made exclusively from among the existing Chief Officers, the Council will make all necessary arrangements relating to the appointment through the Appointments Committee.
- (b) The Appointments Committee for this purpose will be constituted from the Leader of the Council, a representative from each of the other Political Groups (normally the Leader of such Groups), together with the Cabinet Member (Human Resources).
- (c) The Committee will
 - (i) draw up a statement specifying:
 - (a) the duties of the Officer concerned; and
 - (b) any qualifications or qualities to be sought in the person to be appointed;
 - (ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (iii) make arrangements for a copy of the statement mentioned in Paragraph (i) to be sent to any person on request; and
 - (iv) ensure all relevant legislative and procedural arrangements are satisfied and the Council's Policy on Equal Opportunities is complied with.
- (d) The Committee may appoint an officer from amongst the existing Chief Officers, or in the alternative a suitably qualified individual who has previously fulfilled the duties of a Chief Executive, to discharge temporarily the duties of the post until the post is filled following an appointment approved on a substantive basis by the Full Council.

3. APPOINTMENT OF HEAD OF PAID SERVICE (i.e. CHIEF EXECUTIVE OFFICER)

- (a) The Full Council will approve the appointment of the Head of Paid Service following the recommendation of the Appointments Committee, as constituted under 2(a) above.
- (b) The Full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Cabinet.
- (c) The Appointments Committee may only make a recommendation to the Council on the appointment of a Head of Paid Service where any objection to the intended appointment from any Cabinet Member has been considered and resolved.
- (d) To resolve such an objection, the Committee must either be satisfied that the objection is not well-founded or have taken action in respect of the objection, which is appropriate to resolve the matter, before they make a recommendation to Council. The Appointments Committee will take all legal advice, as appropriate.

4. MONITORING OFFICER AND CHIEF FINANCIAL OFFICER

- (a) The Appointments Committee, as constituted under 2(a) above, will designate one Officer from amongst the existing Chief Officers, other than the Head of Paid Service, as Monitoring Officer. It will be the responsibility of the Monitoring Officer to nominate a Deputy and to notify the Head of Paid Service and the Leader of the Council of the nominee of his choice.

- (b) The Appointments Committee, as constituted under 2(a) above, will designate an Officer, satisfying the requirements of Section 151 of the Local Government Act 1972, as amended, as Chief Financial Officer. It will be the responsibility of the Chief Financial Officer to nominate a suitably qualified Deputy and to notify the Head of Paid Service and the Leader of the Council of the nominee of his choice.

5. RECRUITMENT OF CHIEF OFFICER (i.e. STRATEGIC DIRECTOR OR HEAD OF SERVICE)

- (a) The Appointments Committee will be responsible, on behalf of the Council, for making any necessary arrangements when a vacancy occurs in any existing post of Chief Officer (i.e. Strategic Director or Head of Service).
- (b) The Appointments Committee for this purpose will be constituted from the Leader of the Council, a representative from each of the other Political Groups (normally the Leader of such Groups), together with the Cabinet Member (Human Resources) and the relevant Cabinet Member(s) for the functional area(s) for which the particular Strategic Director or Head of Service will have direct managerial responsibilities.
- (c) The Committee will decide in the case of any vacant Strategic Director or Head of Service post, which the Council is not required by statute to fill, whether it is necessary; and, in any case, what will be the terms and conditions of the post; and no steps will be taken to fill it on any basis until these decisions have been taken.
- (d) Where the Committee proposes that a vacant Strategic Director or Head of Service post will be filled and it is not proposed that the appointment be made exclusively from amongst the existing Officers of the Council, the Committee will:
 - (i) draw up a statement, specifying:
 - (a) the duties of the Officer concerned; and
 - (b) any qualifications or qualities to be sought in the person to be appointed;
 - (ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (iii) make arrangements for a copy of the statement mentioned in Paragraph (i) to be sent to any person on request; and
 - (iv) ensure all relevant legislative and procedural arrangements are satisfied and the Council's Policy on Equal Opportunities is complied with.
- (e)
 - (i) where a post has been advertised, as provided above, the Appointments Committee will
 - (a) select a short list of qualified applicants; and
 - (b) interview those on the shortlist.
 - (ii) where it is not possible to recommend a candidate for appointment, the Appointments Committee will make further arrangements in accordance with Paragraphs (c) and (d) above.
- (f) The Committee may appoint, from amongst the existing Chief and/or Senior Officers, an Officer(s) to discharge temporarily the duties of the vacant post, in full or in part, until the post is filled following an appointment on a substantive basis.

6. **APPOINTMENT OF CHIEF OFFICER (i.e. STRATEGIC DIRECTOR OR HEAD OF SERVICE)**

- (a) The Appointments Committee, as constituted under 5(b) above, will appoint any Chief Officer (i.e. Strategic Director or Head of Service).
- (b) An offer of employment as a Strategic Director or Head of Service will only be made where no well-founded objection from any Member of the Cabinet has been received.
- (c) In exercising delegated powers with regard to the appointment of any Strategic Director or Head of Service, the Appointments Committee will consider and resolve any objection to the intended appointment from any Cabinet Member, before making an appointment.
- (d) To resolve such an objection, the Committee must either be satisfied that the objection is not well-founded or the Committee must have taken action in respect of the objection, which is appropriate to resolve the matter, before they make a recommendation to Council. The Appointments Committee will take all legal advice, as appropriate.

7. **OTHER APPOINTMENTS**

- (a) **Officers below Head of Service.** The appointment of all Officers below Head of Service (other than any Assistants to Political Groups) is the responsibility of the Head of Paid Service or his nominee, and may not be made by Members.
- (b) **Assistants to Political Groups.** The appointment of any Assistant to any of the Political Groups on the Council on a fixed term contract basis, in accordance with the Local Government and Housing Act 1989, will be made in accordance with the wishes of the particular Political Group.

8. **DISCIPLINARY ACTION**

- (a) Statutory Offices. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months from the date of the suspension taking effect. The decision to suspend will be taken on behalf of the Full Council by the Appointments Committee, as constituted under 2(a) above, or by some other person authorised by that Committee.

No other disciplinary action may be taken in respect of any of those Officers except in accordance with a recommendation in a report made by a designated Independent Person under Regulation 7 of Part I of the Local Authorities (Standing Orders) Regulations 2001.

- (b) Chief Officers. The Head of Paid Service shall be responsible for initiating any formal disciplinary action against any Chief Officer, who is not in a Statutory Office. In cases where serious disciplinary action may be necessary, he shall report accordingly to the Appointments Committee, as constituted under 5(b) above, in accordance with the procedural arrangements set out in the Chief Officers' Conditions of Service.

The Appointments Committee shall have power to take any disciplinary action, including dismissal, which it considers appropriate on behalf of the Council.

The Council's Appeals Committee shall consider and determine any Appeals by a Chief Officer against disciplinary action taken by the Head of Paid Service.

- (c) Members will not be involved in any disciplinary action, as defined under Regulation 2 of Part I of the Local Authorities (Standing Orders) Regulations 2001, against any Officer below Head of Service, except where, under the Council's Disciplinary, Capability and related Procedures, as adopted from time to time, those Procedures allow a right of appeal to Members in respect of any action taken.

9. DISMISSAL

- (a) The dismissal of the Head of Paid Service must be approved by the full Council.
- (b) Members will not be involved in the dismissal of any Officer below Head of Service, except where, under the Council's Disciplinary, Capability and related Procedures, as adopted from time to time, those Procedures allow a right of appeal to Members in respect of any action taken to terminate employment.

10. POSTS ON THE APPROVED ESTABLISHMENT

- (i) No new office shall be created, nor any person shall be employed in addition to a Department's approved establishment of employees other than by a minor restructuring within budget constraints as provided for under the Scheme of Delegation to Officers at Part 3 of this Constitution. The process of job evaluation shall be used in assessing the grade for any new post or in re-assessing the grade for any existing post in respect of those posts which fall within the purview of the Council's Job Evaluation Scheme.
- (ii) Existing employees engaged in Trainee or Career Grade posts may be offered promotion to an appropriate vacant Technical or Professional post. Existing employees may be transferred to vacant posts under the Council's Disciplinary, Capability and related Procedures. Otherwise, all vacancies to be filled within the Council's service shall be publicly advertised.